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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,401	01/31/2000	Christopher J. Buse	922-81	3358

7590

03/26/2004

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EXAMINER

JAROENCHONWANT, BUNJOB

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 03/26/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,401

Applicant(s)

BUSE ET AL.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the submission filed 01/03/04, the submission has been reviewed, claims 1-3, 7, 9-13 are pending for examination. Claim 3 is objected, Claims 1-2, 7, 9-13 are rejected. The objection and rejection cited are as state below.

2. In response to the amendment filed 1/30/04, on 3/15/04, a telephone call was made to request a clarification in supporting newly added limitations, i.e., the proxy sending request for devices' IP address from a separated server. The Attorney Gill, directed examiner to the teaching in fig. 2-3, and the teaching of making request of the IP address to a DHCP server in a network, as referred to in specification pages 5, lines 4-27. The newly added language will be interpreted as such.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamalanathan (US. 5,978,373) and Applicant Admitted Prior Art (AAPA) and Comer, "Internetworking with TCP/IP" and Subramaniam et al. (US. 6,070,187)

5. Claims 1, 7, 11 and 13, Kamalanathan discloses the invention substantially, as claimed, including a method of allocation protocol address to a device connected to a communication network, comprising:

placing on or broadcast the network an interrogation in the form of a first control frame from a proxy, said proxy being separate from said device (DMIAdmin broadcast discovery packet from administrator device, which is located separately from the client devices, the

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administrator device is considered as a claimed proxy, in light of claimed physical location and functionality, abstract, Fig. 1);

receiving at the proxy a response from said device in the form of a second control frame which defines a protocol address for said device (the administrator received reply packets, which included MAC address, name and IP address from each the devices, abstract).

Kamalanathan does not explicitly disclose defining invalid Internet protocol in a control frame and responding to the invalid IP address allocating IP address and having a proxy separate from server and device, as claimed as argued in the remark filed 1/30/04. However, applicant admitted that defining invalid Internet Protocol Address "0.0.0.0" and dynamic host configuration protocol was conventional (spec. page 3, lines 24-25). AAPA admission further confirmed by Comer's teaching in the BOOTP section (page 369, paragraph 4), Comer, further, teaches that in response to invalid IP protocol, from client, the server return allocated an IP address to client (Comer, page 69, paragraph. 4). In addition, a separation of proxy from network devices and from server, seems so conventional, in an analogous art, Subramaniam teaches a method and apparatus for configuring network node, which includes implementation of an DHCP proxy, for network addresses allocation and validation, at a network switch separated from clients and DHCP server (Fig. 3, 6-10; Col. 5, lines 5-20; Col. 7, lines 15-19; Col. 9, lines 9-26).

Thus, it would have obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Invalid IP address as admitted by the applicant and suggested in Comer and using proxy to server as middle tier as suggested in Subramaniam to expand an application of Kamalanathan system, with the motivation of enhancing efficiency of the system. Because

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combining them, would off load, which may individually imposed on each of devices to allocate, validate and preserve network addresses, which would enable the system to properly distribute network addresses to network devices adhere thereto, on a needed basis.

6. Claims 2, 9-10 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamalanathan-AAPA-Comer-Subramaniam (Kamalanathan et al.) as applied to their independent claims, and further in view of Ford (US 6,101,499).

7. As to claims 2, and 10, Kamalanathan et al discloses the invention substantially, as claimed, as described in claims 1 and 7, but silent to testing conflicting IP address. However, allocating address and testing network address was known and used in various applications in the networking art. Including, the suggested one in an analogous art, Ford, which includes automatically assign IP address, manual assign IP address to and Dynamic configuration IP address for network device. Furthermore, Ford's teaching includes, conflicting address validation and reassigning a new address to the device, i.e., determining whether the network address assigned to a device is invalid (Col. 2, lines 27-42; Col. 3, lines 13-46; Col. 8, lines 29-49; Col. 9, line 35-Col. 10, line 40).

Thus, it would have obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Ford's notion of validation and allocation addresses with Kamalanathan et al's system. Because combining them, one could achieve a system that highly efficiency in dealing with address allocation, capable of improving performance by preventing communications stalemate, which caused from conflicting-addresses.

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8. Claims 9 and 12, Kamalanathan et al and Ford, discloses obtaining a protocol address for said device by means of a request addressed according to a dynamic host communication protocol (AAPA, DHCP was prior art, specification page 1, line 20; Ford - Col. 2, lines 28-39).

9. Applicant's arguments with respect to claims 1-2, 7, 9-13, have been considered but are moot in view of the new ground(s) of rejection.

10. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a long horizontal stroke extending to the right.

Bunjob Jaroenchonwanit
Primary Examiner
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/bj